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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,645	06/19/2006	Bastiaan Domburg	C4310(C)	7274

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EXAMINER
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DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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10/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,645	<b>Applicant(s)</b> DOMBURG ET AL.	
	<b>Examiner</b> Lorna M. Douyon	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/27/06 (2 pages); 6/28/06</u>                                | 6) <input type="checkbox"/> Other: ____.                          |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier et al. (US 2003/0104072), hereinafter "Gauthier" in view of Capeci et al. (US Patent No. 5,486,303).

Gauthier teaches pellets, which include granules, (see paragraph 0001 on page 1), which comprise (a) at least one constituent with water softening, fabric softening or detergency activity; (b) one or more disintegration agents comprising one or more crosslinked polyacrylate water absorbent polymers; and (c) one or more water transport agents like starch (see abstract). Gauthier also teaches a process of combining one or more disintegration agents comprising one or more cross-linked polyacrylate water absorbent polymers with one or more water transport agents to produce disintegrating granules, cogramulating the one or more disintegration agents with the one or more water transport agents, optionally in the presence of the at least one constituent with water treatment, water softening or detergency activity (see paragraph 0026 on page 3). The disintegrating granules are preferably manufactured according to a "wet granulation process", in which any known granulation technique is applied in the presence of water, and/or any other liquid phase or liquefied phase, and this process usually implies a first

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step in which all components are dry-blended, at moderate temperature and low (ambient) pressure (see paragraph 0027 on page 3). In paragraph 0039 on page 4, a typical laundry detergent composition is disclosed which comprises surfactants and polymer builder. Gauthier, however, fails to disclose at least 40 wt% surfactant which comprises anionic, nonionic, or cationic surfactants, and the mixing in a high shear or low shear mixer.

Capeci teaches a typical laundry detergent composition (see col. 1, lines 28-30), which comprises a surfactant in amounts from about 25% to about 55% by weight (see claim 6) which may be an anionic, nonionic, cationic or mixtures thereof (see col. 6, lines 39-41), and which is prepared by agglomeration in a high speed mixer/densifier and subsequently in a moderate speed mixer/densifier (see claim 1), which moderate speed mixer reads on a low shear mixer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the proportions of the surfactants of Gauthier within those recited because it is known from Capeci that such amount is typical in laundry detergent formulations, and to utilize the high shear mixer and moderate speed mixer for the granulation step because Gauthier specifically desires any known granulation technique and Capeci provides such technique when preparing compositions having high surfactant levels.

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3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier in view of Van der Hoeven et al. (US 2003/0045440), hereinafter "Van der Hoeven".

Gauthier teaches the features as described above. Gauthier, however, fails to disclose at least 40 wt% surfactant which comprises anionic, nonionic, or cationic surfactants, or mixtures thereof, and the mixing in a high shear, flash thin film evaporator or low shear mixer.

Van der Hoeven teaches a typical laundry detergent composition (see paragraph 001 on page 1) which comprises more than 10 wt% to 75 wt% non-soap anionic surfactant (see paragraphs 0011 and 0015 on page 1), at least 0.1 wt% up to 15 wt% cationic surfactants system (see paragraph 0032 on page 2), and if desired, up to 10 wt% nonionic surfactants (see paragraph 0048 on page 3). The detergent composition is prepared by non-tower granulation in a high speed/moderate speed granulator combination, thin film flash drier/evaporator or fluid bed granulator (which is a low shear granulator) (see paragraph 0072 on page 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the proportions of the surfactants of Gauthier within those recited because it is known from Van der Hoeven that such amount is typical in laundry detergent formulations, and to utilize the high speed/moderate speed granulator combination, thin film flash drier/evaporator or fluid bed granulator for the granulation step because Gauthier specifically desires any known granulation technique and Van

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der Hoeven provides such technique when preparing compositions having high surfactant levels.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier and Capeci as applied to claim 1 above, and further in view of Van der Hoeven.

Gauthier and Capeci teach the features as described above. Gauthier and Capeci, however, fail to specifically disclose a flash thin film evaporator.

Van der Hoeven, as described above, teaches the equivalency of high speed/moderate speed granulator with thin film flash drier/evaporator (see paragraph 0072 on page 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the high speed/moderate speed mixer of Gauthier and Capeci with a thin film flash drier/evaporator because the substitution of art recognized equivalents as shown by Van der Hoeven is within the level of ordinary skill in the art.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/  
Primary Examiner, Art Unit 1796